

EVERGLADES NATIONAL PARK BOAT TOURS, INC.

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Sammy Hamilton, Concessioner



September 17, 2003

National Transportation Safety Board
Robert Ford, Investigator-in-Charge

Re: Technical Review of Draft Factual Report: Sinking of the U.S. Small
Passenger Vessel Panther

Dear Mr. Ford:

In response to your letter dated August 22, 2003, please accept my following input with respect to the Draft Factual Report. Insofar as the United States Coast Guard is also an identified party, we would appreciate receiving a copy its input prior to the NTSB finalizing the factual section of this report.

In addition, the copies of the photographs incorporated in the findings are of such poor quality as to be virtually impossible to view. Hence, my ability to comment is adversely affected and I need the opportunity, in light of the emphasis placed in the current draft of the report on wood issues, to view all of the photographs taken or otherwise obtained by the NTSB. Based on the following comments, you will see that clear photographs should provide a basis for you to view the wood in the area of the strut and steering assembly and enable me to show you the basis for my comments. It is requested that you please provide prints of all photographs taken or obtained by the NTSB in the course of its investigation as soon as possible.

My comments refer to the page and line numbers set forth in your draft. As you know, your findings are extremely important to Everglades National Park Boat Tours, Inc.

Accordingly, should you have any questions or comments concerning this submission, I specifically request that we communicate directly in the event the NTSB disagrees, however slightly, with the following submissions.

1. Page 19, lines 6 - 15 -- The wire energizing the audible alarm was connected at the beginning of the voyage. It was the damage sustained by the vessel in the sinking and subsequent salvage and inspection that resulted in the wire becoming disconnected to the high level bilge alarm.
2. Page 19A, figure 11 -- Figure 11 is erroneous in a number of particulars:
 - A. It omits a wood structural support with approximate dimensions of 2 inches by 10 inches which run port to starboard immediately above the hull planking

B. The three layers of wood identified as "strut support blocks" have no relationship to the structural integrity nor "support" any loads against the hull. Rather, there were wooden pieces, approximately 1 ½ inches thick, which served as a spacer and were located immediately under what has been identified as the "upper strut plate", which plate actually acts as the mounting plate for the steering hydraulic cylinder. The sole purpose of this wood was for proper mounting and alignment of the steering hydraulics.

C. There were not three separate supporting blocks of wood, rather there was the 1 ½ inch spacer and the two inch by ten inch support member. This support was not removed and remains a part of the hull.

D. The item referred to as the "keel" is actually the "shoe" of the strut.

3. Page 23, lines 11 - 23 -- At the time the steering gear assembly and mounting plate were removed, a crowbar (see figure 14) was used to remove, piece by piece, the 1 ½ inch wooden spacer which was exposed by removal of the steering gear assembly and mounting plate. It is inappropriate to characterize this wood as any part of the support or structure of the vessel insofar as this wood served only the purpose of acting as a spacer for proper alignment of the steering assembly.

It is important to note that the rag had been used as a part of the efforts to salvage the vessel and return her to the facility at Everglades National Park Boat Tours, Inc. The phraseology currently used suggests that the rag was in place during vessel operations, and this is not the fact.

4. Page 26, lines 1 - 11 -- There were no annual extensions after expiration of the 10 year contract granted in February, 1982. As best as I can tell, the requirement relating to inspection of the tour boats by the United States Coast Guard on an annual basis and stipulations for maintenance of the building were imposed after the subject accident, not before. Although your draft report quotes the federal register, I am not aware of a formal renewal of the concessionaire contract as of January 1, 2003.
5. Page 31, lines 8-17 -- As owner of the vessel, I insisted that the master submit for drug and alcohol testing. However, the Park Service ranger told the captain that a test was not required.
6. Pages 38, 38a - 39, lines 4 - 20 & 1 - 4 -- It is important to recognize that

the wood removed by the NTSB did not consist of 'support blocks.' Further, where the NTSB uses the phrase "affected by brown rot decay," the connotations lead the reader to believe that rot affected the structural integrity of the vessel. The Coast Guard's expert in wood, my sons and myself uniformly recognized that no structural impairment existed, and, the utility of the wood as a spacer was not affected either. There were no "temporary repairs", rather, simple maintenance to preserve the spacing necessary for alignment of the hydraulic steering assembly. None of the wood had "fallen into" pieces. It required an hour of work by U.S. Coast Guard inspectors, using a crowbar, to remove the wood in pieces.

7. Page 43, lines 1 - 7 – As to the sister vessel, Panther II, none of the areas of "wood rot that had to be replaced before the vessel could return to service" related to the structural integrity of the hull. U.S. Coast Guard inspectors could **NOT** have not found "that the strut support blocks had been replaced with pressure-treated wood and did not exhibit any evidence of wood rot." As with the Panther I, none of the wood in the area above the strut has been replaced since the vessel was built. The wood configuration is identical to that on the Panther. The top piece of wood, approximately 1 ½ inches thick, acts solely as a spacer to appropriately align the hydraulic steering assembly mounting plate.

It is believed that the Coast Guard inspectors may have been referring to wood through which the rudder post is mounted. In fact, that wood was replaced. But the primary point remains, none of the wood on the Panther II between the strut and the mounting plate bracket for the hydraulic steering assembly has been replaced or otherwise modified since the Panther II was built. The same is true for the Panther.

It would be unfair for the NTSB to include any factual findings, or any conclusions based on those findings, which would indicate wood rot in any way, shape or form affected the structural integrity of the Panther. The wood retained and tested by the NTSB served as a spacer, only, and as such, the testing result and emphasis placed by the NTSB on wood rot are completely unfair and do not reflect the facts accurately.

Very truly yours,

Sammy Hamilton